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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) CM06374J |
| I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a))]. on: <u>January 17, 2008</u> Signature <u>/Barbara R. Doutre/</u> <u>Barbara R. Doutre</u> Typed or printed name | Application Number 10/649,443 First Named Inventor Robert J. Higgins et al Art Unit 2618 | Filed August 26, 2003 Examiner Milford, Marceau |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> applicant inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>39,505</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ </div> <div style="width: 45%; text-align: right;"> <u>/Barbara R. Doutre/</u> Signature <u>Barbara R. Doutre</u> Typed or printed name <u>(954) 723-6449</u> Telephone number <u>January 17, 2008</u> Date </div> </div> <p style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p> | | |
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted. | | |

(SB/33 (07-05))

UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|-------------------------------------------------------------|-------------------|-----------------|
| INVENTORS: | Robert J. Higgins et al | GROUP ART UNIT: | 2618 |
| APPLN. NO.: | 10/649,443 | EXAMINER: | Milord, Marceau |
| FILED: | August 26, 2003 | Confirmation No.: | 5767 |
| TITLE: | SYSTEM AND APPARATUS FOR ANTENNA IDENTIFICATION AND CONTROL | | |

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the Final Office Action mailed October 4, 2007 concerning the above-identified application in furtherance of the Notice of Appeal filed January 17, 2008.

Claims 1-26 remain pending in the application, a copy of which can be found in Applicant's Amendment of July 24, 2007. Concurrent with this submission, Applicant is paying the requisite fee for a one-month Extension of Time.

Claims 1-26 were rejected as being unpatentable under over US Pat. No. 6,486,832 (Abramov) in view of US Pat. No. 6,980,782 (Braun et al).

Independent claim 1 recites "at least one single wire memory device programmed with antenna parameter information, the antenna parameter information within the antenna being accessed by the portable communication device." Claim 8 recites "single wire memory device programmed with antenna parameter information," and further recites "the antenna parameter information being accessed through the single coaxial connector." Claim 12 recites "a single wire memory device programmed with antenna parameter information." Claim 22 recites "a memory embedded within the antenna programmed with antenna parameter information." Claim 24 recites "the antenna comprising a memory device storing antenna parameter information."

Applicant respectfully submits that neither Abramov nor Braun, either expressly or inherently, teaches or suggests that which is claimed in independent claims 1, 8, 12, 22, and 24.

Applicant respectfully notes the following observations in the Examiner's Detailed Action dated October 4, 2007 in the hope of clarifying the use of the term "single wire memory device":

A) In the Examiners "Detailed Action", on Page, 2 item 2, second paragraph, the Examiner states that Abramov discloses: "..., the antenna (12 of figs. 1, 12 of figs 3-4) includes at least "one single memory device" (33 of fig 4; col. 2, lines 55-65; col. 3, lines 18-41; col. 3 line 53-col. 4, line 27; col. 4, lines 42-67)".

Firstly, Applicant respectfully points out that fig. 4 clearly shows that the only referenced memory (33) in Abramov is in the Antenna Control Unit (30) (as in the antenna positioning system), and not in the antenna itself which is clearly labeled as (12). As to fig. 3 of Abramov, the antenna control unit (30) is not in the antenna (11/12) and thus the memory is not located in the antenna (11/12) either.

Secondly, the Examiner refers to a "single memory device" which is not a term used in Abramov. Even if the term "single memory device" had been used by Abramov, Applicant asserts that a "single memory device" and a "single wire memory device" are two completely different things. The "single memory device" refers to just one device and it is a memory. The "single wire memory device" is intended to mean a memory device interfaced and powered via single-wire (AKA 1-wire) bus. The term "single wire memory device" is fully described in Applicant's specification, for example on page 4, lines 3-7.

The citations put forth by the Examiner on page 2 (item 2) of the Final Office Action to support "at least one single memory device" in Abramov are countered below:

- Designator 33 of fig 4 – the figure says "Flash & RAM" which are shown in the figure as separate and even if these devices be could construed as "at least one single memory device",

they are not in the antenna.

- Col. 2, lines 55-65 – This section describes only a mechanically scanned antenna and makes no mention of any memory usage at all.
- Col. 3, lines 53-Col.4, line 27 – in this section Abramov describes the memory as being a part of the “antenna control unit” and describes memory 33 as storing application software basically for operating the “antenna [direction] control unit”.
- Col. 4, lines 42-67 – in this section Abramov FIG. 5 is described which is a set of laptops communicating with the steerable antennas of Abramov. There is no reference to memory of any kind.

In all of the citations to Abramov, the only support the Examiner documented for supporting “at least one single memory” was the reference in FIG. 4 to “Flash & RAM” 33 which, as mentioned above is not a “single wire memory”; and further, is not in the antenna - it is in the antenna [direction] control unit 30. A description of “single wire” technology is provided in Applicant’s specification, for example, on page 4, lines 3-7. Thus, the use of the term “single wire memory device” is not unreasonable and is fully supported by the specification.

B) On page 4 of the Office Action (lines 2-4), the Examiner states:“... wherein the at least one single wire memory device can be manipulated by the portable communication device (col. 3, line 20-col.4, line 10; col.4, lines 19-41).”

The Office Action now starts using the term “single wire”. However, in this overlapping range to the previous citation, there is no new suggestion of “single wire” technology to be found anywhere. The Examiner re-uses the only reference in Abramov which is to a memory that is in the antenna [direction] control unit 30. There is absolutely no teaching of a single wire memory device in Abramov.

The term single wire in Applicant's specification pertains to the one-wire bus context as described and supported by Applicant's specification. Applicant believes that the above discussion has clarified the use of the term "single wire memory device".

With regard to independent claim 9, Applicant respectfully disagrees with the statement on page 6 of the Office Action dated October 4, 2007 that "[r]egarding claim 9, Abramov et al discloses a radio and antenna interface (figs. 1 and 6) system, comprising: a radio including radio electronic circuitry (figs. 3-5) for diplexing RF and baseband signals... an antenna (12 of figs. 1, 12 of figs. 3-4) including antenna electronic circuitry for diplexing RF and baseband signals... a memory device embedded in the antenna and coupled to the coaxial interface (col. 2, lines 55-65; col. 3, lines 18-41; col. 3, line 53-col. 4, line 27; col. 4, lines 42-67)."

Applicant's claim 9 recites "radio electronic circuitry for diplexing RF and baseband signals." Abramov makes no mention of radio electronic circuitry that is used for diplexing RF and baseband signals. At most, Abramov simply discloses a circuit in a transceiver that receives and transmits RF signal. See col. 3, lines 42-53 of Abramov.

Further, Abramov makes no mention of antenna electronic circuitry that is used for diplexing RF and baseband signals. At most, Abramov simply discloses an antenna connected to a motor. See col. 2, lines 56-60. In contrast, Applicant's claim 9 recites "antenna electronic circuitry for diplexing RF and baseband signals."

In addition, Applicant's claim 9 recites "a memory device embedded in the antenna and coupled to the coaxial interface." In contrast, Abramov discloses a flash memory that is connected to a DSP in an antenna control unit. See col. 4, lines 19-23 of Abramov. Thus, Abramov makes no mention of a memory device that is embedded in the antenna and coupled to the coaxial interface as required by independent claim 9.

Regarding independent claim 15, Applicant respectfully disagrees with the statement on page 9,

of the Office Action that “[r]egarding claim 15 and 18, Abramov et al discloses an antenna interface (figs. 1 and 6) comprising: an antenna center conductor (12 of figs. 1, 12 of figs. 3-4)...” Abramov makes no mention of an antenna center conductor within an antenna. At most, Abramov simply discloses an antenna connected to a motor. See col. 2, lines 56-60. In contrast, Applicant’s claim recites “an antenna center conductor within an antenna.” Thus, Applicant’s such a limitation is not found in Abramov.

In addition, Office Action provides no citation to Applicant’s claim 15 limitation “a single wire memory device within the antenna, the single wire memory device electrically coupled to the antenna center conductor.”

In view of the foregoing, Applicant respectfully submits that Abramov does not disclose Applicant’s above mentioned limitations. As such the combination of Abramov and Braun do not teach or suggest that which is claimed by Applicant’s invention. Thus, claims 1, 8, 9, 12, 15, 22, and 24 are not obvious in view of Abramov taken alone or in combination with Braun and therefore the rejection should be withdrawn. Dependent claims 2-7, 10, 11, 13, 14, 16-21, 23, 25, and 26 depend from, and include all the limitations of their respective independent claims.

Conclusion

Reconsideration and withdrawal of the rejection of the claims is respectfully requested.

A Notice of Allowance is earnestly solicited. Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted

January 17, 2008

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